

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|---------------------------|---|--------------------|
| MICHAEL DAVID MASEK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:13CV2447 CEJ |
| |) | |
| RICHARD N. GOWDY, et al., |) | |
| |) | |
| Defendants, |) | |

MEMORANDUM AND ORDER

Defendants Richard Gowdy and Laurent Javois move to dismiss this action under Rule 41(b) of the Federal Rules of Civil Procedure for plaintiff's failure to file an amended complaint as ordered by the court on May 7, 2014. Plaintiff has responded that he is "unable to continue [his] case" because the court has not appointed him legal counsel.

Under Rule 41(b), a court may dismiss an action for failure to comply with a court order or for failure to prosecute. Plaintiff's failure to file an amended complaint or to adequately respond to defendants' motion to dismiss constitutes both a failure to comply and a failure to prosecute. As a result, the court will dismiss this action. However, the dismissal will be without prejudice.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to dismiss [ECF No. 32] is **granted**.

An Order of Dismissal will be filed separately.

Dated this 23rd day of July, 2014.

A handwritten signature in cursive script, appearing to read "Carol E. Jackson", is written above a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE